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**Notice of Allowability****Application No.**

09/668,849

**Examiner**

Rob Rhode

**Applicant(s)**

BERTON ET AL.

**Art Unit**

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/20/2004.
2. ☒ The allowed claim(s) is/are 1, 3 - 4, 6, 9 - 11 and 21 - 29.
3. ☒ The drawings filed on 10 March 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Response to Amendment***

Response that was received on 12-20-04 is acknowledges and entered.

Currently, claims 1, 3 - 4, 6, 9 - 11 and 21 - 29 have been examined and are allowed.

### ***In the claims***

Claims 1 (previously presented): A computer related method for funding a state government procurement system comprising the acts of:

- a. providing an internet-based procurement system by a services provider for use by a state government agency for procurement of goods and services;
- b. providing an Internet portal for use by the state government agency to communicate electronically with the internet-based procurement system;
- c. providing an Internet portal for use by a qualified vendor wishing to sell goods and/or services to the state government agency;
- d. determining payment funds from the state government agency for goods and/or services provided by the vendor;
- e. sending a first portion of the payment funds to the vendor;
- f. sending a second portion of the payment funds to a reserve fund; and
- g. sending a provider payment from the reserve fund to the services provider.

Claim 2 (previously cancelled)

Claim 3 (previously presented): The method of claim 1 comprising an additional act

Art Unit: 3625

of providing an internet portal for a customer of the state government agency, whereby the customer can execute an electronic transaction, via the internet-based procurement system, with the state government agency in exchange for a fee, wherein the customer is one of the group consisting of a person seeking a driver's license, a person seeking a vehicle license, a person seeking a voter registration, a person seeking a license to practice professionally in the state, a person seeking a business registration, a person seeking a sales tax certificate, a person seeking a sales permit and a person seeking a generic state identification document.

Claim 4 (previously presented): The method of claim 1 wherein the state government agency is able to use the internet-based procurement system to sell by auction or other methods, obsolete or excess inventory held by the state government agency to interested buyers.

Claim 5 (cancelled)

Claim 6 (previously presented): The method of claim 1, further comprising:

when an input into the reserve fund exceeds an excess-funding threshold, sending a first portion of a corresponding surplus from the reserve fund to the services provider and sending a second portion of the corresponding surplus to the state government agency; and

when an input into the reserve fund falls below an insufficient-funding threshold, carrying out an insufficient-funding revision including at least one of:

Art Unit: 3625

reducing the first portion of the payment funds that are sent to the vendor and increasing the second portion of the payment funds that are sent to the reserve fund,

reducing the scope of service of the internet-based procurement system, and sending a supplemental payment from the state government agency to the reserve fund.

Claims 7-8 (cancelled)

Claim 9 (previously presented): A system for providing Internet-based electronic procurement services to a state government agency, comprising:

- \* a computer having a processor, a memory, a database, and communications connections to the internet, the computer provided by a services provider',

- \* a first server mechanism coupled to the computer for providing procurement channels between buyers and sellers of goods and services;

- \* a second server mechanism coupled to the first server mechanism for communicating with an Internet portal in the state government agency whereby citizens and other customers of state services can communicate with a state agency; and

- \* a third server mechanism coupled to the computer for communicating with a qualified vendor of goods or services, wherein the computer includes executable commands for:

- determining payment funds from the state government agency for goods and/or services provided by the vendor;

- sending a first portion of the payment funds to the vendor;

sending a second portion of the payment funds to a reserve fund; and  
sending a provider payment from the reserve fund to the services  
provider.

Claim 10 (previously presented): A system for implementing a computerized  
eprocurement system for a state government agency, comprising:

a server computer hosting an eprocurement system accessible via client  
computers to a plurality of state government agencies who comprise potential buyers of  
goods and/or services said eprocurement system including a user interface (U1)  
comprising controls whereby a state government agency user selects criteria and a  
display whereby results are displayed;

a database of information electronically coupled to the server computer  
concerning goods and services available from a plurality of qualified vendors

wherein said eprocurement system is available via the internet to assist a state  
government agency buyer in locating a product or service of interest and in locating a  
specific qualified vendor, and the server computer includes executable instructions for:

determining payment funds from the state government agency for goods and/or  
services provided by the vendor;

sending a first portion of the payment funds to the vendor;

sending a second portion of the payment funds to a reserve fund; and

sending a provider payment from the reserve fund to a services provider of the  
eprocurement system.

Claim 11 (previously presented): The system of claim 10 wherein the computerized

Art Unit: 3625

eprocurement system for a state government agency is provided by a services provider for use by the state government agency for procurement of goods and services, where the computerized eprocurement system is funded by fees comprising payments from participating vendors, payments by investment from the services provider, and payments by transaction fees collected from customers comprising persons seeking services from a state agency through use of the computerized eprocurement system.

Claims 12-20 (cancelled)

Claim 21 (previously presented): The method of claim 1, further comprising: sending a development payment from the reserve fund to the services provider for funding development of the internet-based procurement system.

Claim 22 (previously presented): The method of claim 1, further comprising: when an input into the reserve fund exceeds an excess-funding threshold, sending a first portion of a corresponding surplus from the reserve fund to the services provider and sending a second portion of the corresponding surplus to the state government agency.

Claim 23 (previously presented): The method of claim 1, further comprising: when an input into the reserve fund exceeds an excess-funding threshold, carrying out an insufficient-funding revision including at least one of:

- reducing the first portion of the payment funds that are sent to the vendor and
- increasing the second portion of the payment funds that are sent to the reserve fund,
- reducing a scope of service of the internet-based procurement system, and
- sending a supplemental payment from the state government agency to the

reserve fund.

Claim 24 (previously presented): The system of claim 9, wherein the computer further comprises executable instructions for:  
  
when an input into the reserve fund exceeds an excess-funding threshold, sending a first portion of a corresponding surplus from the reserve fund to the services provider and sending a second portion of the corresponding surplus to the state government agency.

Claim 25 (previously presented): The system of claim 9, wherein the computer further comprises executable instructions for:

when an input into the reserve fund falls below an insufficient-funding threshold, carrying out an insufficient-funding revision including at least one of:

reducing the first portion of the payment funds that are sent to the vendor and increasing the second portion of the payment funds that are sent to the reserve fund,

reducing a scope of service of the internet-based procurement system,  
  
and

sending a supplemental payment from the state government agency to the reserve fund.

Claim 26 (previously presented): The system of claim 9, wherein the computer further comprises executable instructions for:

when an input into the reserve fund exceeds an excess-funding threshold,  
  
sending a first portion of a corresponding surplus from the reserve fund to the services

Art Unit: 3625

provider and sending a second portion of the corresponding surplus to the state government agency', and

when an input into the reserve fund falls below an insufficient-funding threshold, carrying out an insufficient-funding revision including at least one of:

reducing the first portion of the payment funds that are sent to the vendor and increasing the second portion of the payment funds that are sent to the reserve fund,

reducing a scope of service of the internet-based procurement system, and

sending a supplemental payment from the state government agency to the reserve fund.

Claim 27 (previously presented): The system of claim 10, wherein the server computer further comprises executable instructions for:

when an input into the reserve fund exceeds an excess-funding threshold, sending a first portion of a corresponding surplus from the reserve fund to the services provider and sending a second portion of the corresponding surplus to the state government agency.

Claim 28 (previously presented): The system of claim 10, wherein the server computer further comprises executable instructions for:

when an input into the reserve fund falls below an insufficient-funding threshold, carrying out an insufficient-funding revision including at least one of:



Art Unit: 3625

reducing the first portion of the payment funds that are sent to the vendor and increasing the second portion of the payment funds that are sent to the reserve fund,

reducing a scope of service of the internet-based procurement system, and

sending a supplemental payment from the state government agency to the reserve fund.

Claim 29 (previously presented): The system of claim 10, wherein the server computer further comprises executable instructions for:

when an input into the reserve fund exceeds an excess-funding threshold, sending a first portion of a corresponding surplus from the reserve fund to the services provider and sending a second portion of the corresponding surplus to the state government agency; and

when an input into the reserve fund falls below an insufficient-funding threshold, carrying out an insufficient-funding revision including at least one of:

reducing the first portion of the payment funds that are sent to the vendor and increasing the second portion of the payment funds that are sent to the reserve fund,

reducing a scope of service of the internet-based procurement system, and

sending a supplemental payment from the state government agency to the reserve fund.

### **Reasons for Allowance**

The invention claimed in the independent claim is distinguished from prior art of record, which contains no teachings or suggestions that would have motivated one of ordinary skill in the art to modify the method and system disclosed by NIC with the method and system of RFP to have enabled a method and system for the subject matter recited in independent claim 1. To begin with, NIC discloses a method and system for an online method and system for funding a state government procurement system consisting of providing an Internet-based procurement system by a services provider for use by a state government agency for procurement of goods and services and providing an Internet portal for use by the state government agency to communicate electronically with the Internet-based procurement system as well as providing an Internet portal for use by a qualified vendor wishing to sell goods and/or services to the state government agency. While NIC does disclose an online internet procurement portal for use by state government agencies and vendors, the reference does not disclose or would have suggested to one of ordinary skill in the art a method and system for e. sending a first portion of the payment funds to the vendor; f. sending a second portion of the payment funds to a reserve fund; and g. sending a provider payment from the reserve fund to the services provider. RFP, on the other hand does disclose a method and system for eprocurement portal for a state government agency, which further discloses payments to the service provider. However, RFP does not disclose nor would have suggested to one of ordinary skill in the art a method and

Art Unit: 3625

system for e. sending a first portion of the payment funds to the vendor; f. sending a second portion of the payment funds to a reserve fund; and g. sending a provider payment from the reserve fund to the services provider. Therefore, RFP does not teach or would have suggested to one of ordinary skill in combination with NIC a method and system for funding a state government procurement system comprising the acts of: e. sending a first portion of the payment funds to the vendor; f. sending a second portion of the payment funds to a reserve fund; and g. sending a provider payment from the reserve fund to the services provider. In this regard, the invention claimed in independent claim 1 is distinguished from prior art of record by the fact for funding a state government procurement system comprising the acts of: a. providing an internet-based procurement system by a services provider for use by a state government agency for procurement of goods and services; b. providing an Internet portal for use by the state government agency to communicate electronically with the internet-based procurement system; c. providing an Internet portal for use by a qualified vendor wishing to sell goods and/or services to the state government agency; d. determining payment funds from the state government agency for goods and/or services provided by the vendor; **e. sending a first portion of the payment funds to the vendor; f. sending a second portion of the payment funds to a reserve fund; and g. sending a provider payment from the reserve fund to the services provider.**

Discussion of the most relevant prior art, which does not fully disclose nor render obvious the invention as stated in claim 1:

**A. US Patents and PG-Pubs.**

(i) US 5,758,327 to Gardner discloses an online method and system of electronic requisition processing, which includes storing company-specific requisition rules and an electronic catalog on a central computer system. In turn, the central computer system is linked to a number of companies by means of an external communications line and a buyer at one of the companies may identify one or more items to be ordered. Also, the method isolates the companies from the vendors and the payment process is also carried out in a manner that isolates the companies and the vendors. Vendors invoice the operators of the central computer system, who then invoice the companies. However, Gardner does not disclose or teach a method and system of e. sending a first portion of the payment funds to the vendor; f. sending a second portion of the payment funds to a reserve fund; and g. sending a provider payment from the reserve fund to the services provider. Thereby, this online method disclosed by Gardner fails to anticipate the above bolded unique limitations or render them obvious.

(ii) US 6,351,738 to Clark discloses a method and system for a collective business system including participants engaged in a common field of business endeavor, a plurality of suppliers of business support mechanisms of interest to the participants and

a for-profit hub business entity for managing transactions between the suppliers, the participants and their customers. The assets of the hub business entity are substantially liquid asset based and the hub business entity enables, controls and derives income from transactions between the suppliers and participants. Thereby, Clark does not teach or would have suggested to one of ordinary skill a method and system of e. sending a first portion of the payment funds to the vendor; f. sending a second portion of the payment funds to a reserve fund; and g. sending a provider payment from the reserve fund to the services provider. Therefore, the method disclosed by Clark fails to anticipate the above bolded unique limitations or render them obvious.

#### **B. Non Patent Literature**

(iii) RFP # 1-12 RPB released by the State of Virginia on June 1, 2000 for a hosted web based procurement portal to support a decentralized procurement environment. The method and system discloses a central eprocurement portal for various government agencies to procure items through as well as disclosing the requirements for various funding alternatives for the portal to be proposed. While it could be implicit that the government does determine the amount of payments to various providers, the reference does not specifically disclose a method and system of e. sending a first portion of the payment funds to the vendor; f. sending a second portion of the payment funds to a reserve fund; and g. sending a provider payment from the reserve fund to the services

provider. Thereby, this online procurement portal method and system disclosed by RFP fails to anticipate the above bolded unique limitations or render them obvious.

(iv) The NPL article "NIC Launches Industry's First Comprehensive Suite of eGovernment Solutions For Citizens, Business and Government"; PR Newswire; New York; June 1, 2000 (hereafter referred to as NIC I) and NICUSA web pages captured via the WayBack Machine (hereafter referred to as NIC II) disclose a comprehensive suite of eGovernment solutions that can provide the functionality for Government related portals including eprocurement portals. Moreover, NIC II discloses a funding model for the portal whereby the government pays upfront revenues to fund the portal as well as additional revenue from transactions shared between NIC and the government. However, the reference does not specifically disclose a method and system for e. sending a first portion of the payment funds to the vendor; f. sending a second portion of the payment funds to a reserve fund; and g. sending a provider payment from the reserve fund to the services provider. Thereby, this online procurement portal method and system disclosed by NIC fails to anticipate the above bolded unique limitations or render them obvious.

### **C. Foreign Patent Literature**

(vi) RU 2111535 to Bologov discloses a method and system for a control device contains an investment fund control, which contains an information-recording unit and a unit for automatic calculation of sums. The method and system also discloses a

Art Unit: 3625

financial liability device with a financial liability and payment devices. In turn, Bologov discloses information on financial commitments to establish a reserve fund. Bologov does not disclose or teach a method and system for e. sending a first portion of the payment funds to the vendor; f. sending a second portion of the payment funds to a reserve fund; and g. sending a provider payment from the reserve fund to the services provider. Thereby, this online method disclosed by Bologov fails to anticipate the above bolded unique limitations or render them obvious.

### **Conclusion**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is (703) 305-8230. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308 – 1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Art Unit: 3625

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

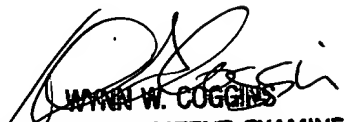
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(703) 746-7418 [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RER

  
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